

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.2654/2016
M.A. No.2379/2016

New Delhi this the 7th day of March, 2017

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MR. P.K. BASU, MEMBER (A)**

1. Dr. Amit Kumar Sharma
Aged about 42 years
S/o Shri Ganga Sahai Sharma
R/o Q.No.B-1/3, A&U, Tibbia College Campus,
A.K. Road, Karol Bagh, New Delhi.
2. Dr. Manoj Kumar Shamkuwar
Aged about 43 years
S/o Shri Keshao Rao Shamkuwar
R/o Q.No. B-32, A&U, Tibbia College Campus,
A.K. Road, Karol Bagh, New Delhi.
3. Dr. Kiran Rajaram Nimbalkar
Aged about 42 years
S/o Late Shri Rajaram Suka Nimbalkar
R/o Q.No.3/29, Rattan Naagar,
Behind Jain Petrol Pump, New Rohtak Road,
Karol Bagh, New Delhi.
4. Dr. Haramohan Moharana
Aged about 41 years
S/o Shri Abodh Kumar Moharana
R/o 8693/14B, Shidi Pura,
Karol Bagh, New Delhi.
5. Dr. Deepa Mishra
Aged about 45 years
W/o Shri Mukesh Mishra
R/o Q.No.B-2/12, A&U, Tibbia College Campus,
A.K. Road, Karol Bagh, New Delhi.
6. Dr. Basavaraj Shivalingayya Hiremath
Aged about 42 years
S/o Shri Shivalingayya Hiremath
R/o WZ, 211/A, Gali No.7, Lajwanti Garden,
New Delhi.

7. Dr. Sujata Rajan
 Aged about 43 years
 D/S/W/o Shiv Prasad Rajan
 R/o F. 5/741, Ganesh Nagar, Shakarpur,
 New Delhi.

8. Dr. Mohammad Zubair
 Aged about 45 years
 S/o Shri Faquruddin
 R/o 1236, Gali Mahal Sarai,
 Panjabi Phatak,
 Ballimaran, Delhi.

9. Dr. Fahmida Kousar
 Aged about 42 years
 W/o Syed Ifteqarunddin Yawar
 R/o 14, 10921, Mandir Road,
 Manakpura, Karol Bagh, New Delhi.Applicants

(By Advocate: Shri U. Srivastava)

Versus

1. Govt. of NCT Delhi through its Chief
 Secretary,
 Delhi Secretariat,
 New Delhi.

2. The Principal Secretary, H&FW,
 GNCT Delhi, 9th Floor,
 Delhi Secretariat, New Delhi.

3. The Special Secretary (AYUSH), H&FW,
 GNCT Delhi, Delhi Secretariat, New Delhi.

4. The Director (AYUSH), GNCTD,
 A&U, Tibbia College Campus,
 Karol Bagh, New Delhi.

5. The PMS/HOD,
 A&U, Tibbia College Campus,
 Karol Bagh, New Delhi. Respondents

(By Advocate: Ms. Sangita Rai)

ORDER (ORAL)**By Mr. V. Ajay Kumar, Member (J):**

MA No.2379/2016 for joining together is allowed.

2. Heard both sides.
3. The applicants filed the present OA seeking the following reliefs:
 - “a) Directing the respondents to place the relevant records pertaining to the present OA before the Hon’ble Tribunal for the proper adjudication in the matter.
 - b) To consider and finalize the case of the applicants for promotion to the post of Associate Professor (Ayurved/Unani) from the post of Lecturer/Assistant Professor which is still pending since 12.12.2013 within some stipulated period, further directing the respondents to promote the applicant from the date of their eligibility with all other consequential benefits, i.e., arrears of pay differences, seniority promotion etc.
 - c) Allowing the OA of the applicants with cost.
 - d) Any other fit and proper relief may also be granted to the applicants.”
4. The respondents vide their counter submitted that two-three times the DPC had been scheduled but could not concluded due to requirement of one clarification or the other. Now, the queries raised during previous DPCs had been clarified and process for holding DPC seeking prior appointment of Chief Secretary, Delhi being Chairman, DPC Committee has been initiated. DPC will be convened for verifying the eligibility criteria of the Associate Professor (Ayurved/Unani), who are in the line for

promotion to the post of Associate Professor (Ayurved/Unani). As all other basic formalities, like vigilance clearance from DOV being Group 'A' post, work, conduct, integrity certificate, are completed, hence DPC will be convened on the designated dates decided by Chief Secretary, Delhi.

5. The respondents further submitted that service of an employee of Delhi Government is not governed by the rules & regulations of CCIM. Service of an employee of Delhi Government is governed as per government rules and regulations and accordingly the promotion case of the applicants is under active consideration of the Department in accordance with the rules.

6. Since the respondents contended that now all the hurdles have been cleared and they have duly considered the case of the applicants for promotion, the ends of justice would be met if the OA is disposed of by directing the respondents to consider the case of the applicants for promotion to the post of Associate Professor (Ayurved/Unani) as per rules along with others within a period of four months from the date of receipt of a certified copy of this order. Ordered accordingly. No order as to costs.

(P.K. BASU)
Member (A)

(V. AJAY KUMAR)
Member (J)

cc.